

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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New York State Professional Process Servers Association, Inc., :
On behalf of itself and aggrieved members, and Howard D. :
Clarke, and Stephen J. Boyko, Inc., d/b/a Consolidated Claims :
Service, Individually, and as Representatives for all similarly :
Aggrieved New York City Process Server Individuals and :
Process Serving Agencies, :
Plaintiffs, : 14 CV 1266 (DLC)(MHD)
-against- :
City of New York, and Michael T. Bloomberg, Bill de Blasio :
Jonathan Mintz, Alba Pico, Nancy Schindler, Esq., Bruch :
Dennis, Esq., James Plotkin, Esq., Nicholas J. Minella, Esq., :
Alvin Liu, Esq., Shannon Bermingham, Jordan Cohen, Esq., :
Philip Kimball, Esq., Lori Barrett, Esq., Megan Roberts, Esq., :
Wanda Day, Esq., Fred Cantor, Esq., Allison Rene Johnson, :
Esq., Margarita Marsico, Esq., David Cho, K. James, Wilfredo :
Lopez, Esq., Eunice Rivera, G. Pikulina, P. Kumar, Michele :
Mirro, Esq., Mitchell B. Nisonoff, Esq., Lee Fawkes, Esq., :
Steven T. Kelly, Esq., Nancy Tumelty, Esq., Susan Kassapian, :
Esq., Maurice Nwikpo-Oppong, Esq., Eryn A. DeFontes, Esq., :
Richard Zeitler, Jr., Esq., David Scott Paul, Esq., Shanet Viruet, :
Esq., and Judith Gould, Esq., all Individually and in their :
Capacities as officials and employees of the City of New York, :
Defendants. :
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DECLARATION IN SUPPORT OF MOTION
OF SUSAN KASSAPIAN AND MICHELE MIRRO
TO DISMISS THE COMPLAINT

I, WALTER A. KRETZ, JR., declare under penalty of perjury that the
following is true and correct:

1. I am an attorney duly admitted to practice before this Court and the
Courts of the State of New York, and am in good standing. I am a member of
Scoppetta Seiff Kretz & Abercrombie, attorneys for defendants Susan Kassapian and
Michele Mirro.

2. I submit this Declaration in support of the motion by Susan Kassapian and Michele Mirro to dismiss the claims asserted against them in the complaint for failure to state a claim upon which relief can be granted. With the consent of the other parties, and the Court's approval, our time to file papers in response to the complaint was extended until today.

3. Earlier today, plaintiffs' attorney notified the Court and the parties that she will be serving an amended complaint, which, according to the Pretrial Scheduling Order in this case, is to be filed by May 16, 2014.

4. Under these circumstances, we have opted at this time to simply notify the Court that we join in certain of the arguments in the City Defendants' Memorandum Of Law In Support Of Their Motion To Dismiss as a basis for dismissing the claims that might be deemed to be asserted against Susan Kassapian and Michele Mirro. The complaint lacks sufficient specificity to determine which claims plaintiffs intend to be asserted against which defendants. The arguments of the City Defendants in which we join are set forth in sections A, F, J and K in the City Defendants' Memorandum Of Law. In particular, we principally rely on the argument in section J of the City Defendants' memorandum -- that each individual defendant sued in her capacity as an Administrative Law Judge, which includes Susan Kassapian and Michele Mirro, is shielded by absolute immunity.

5. Based upon the foregoing, we respectfully request that the claims asserted in the complaint against Susan Kassapian and Michele Mirro be dismissed in their entirety with prejudice pursuant to Rule 12(b)(6) of the Federal Rules of Civil

Procedure for failure to state a claim upon which relief can be granted, and that the Court grant such other relief as it deems just.

Dated: New York, New York
April 30, 2014

A handwritten signature in black ink, appearing to read "Walt Kretz, Jr.", with a stylized flourish at the end.

Walter A. Kretz, Jr., (WK-4645)